



**Trinity NC City Council Regular Meeting
Agenda
March 19, 2013**

NCGS § 143-318.17 Disruption of official meetings

**A person who willfully interrupts, disturbs, or disrupts an official meeting and who, upon being directed to leave the meeting by the presiding officer, willfully refuses to leave the meeting is guilty of a Class 2 misdemeanor.
(1919, c. 655, s 1; 1993, c. 539, s. 1028; 1994, Ex. Sess., c. s. 14 (c).)**

Action may be taken on agenda items and other issues discussed during the meeting

Members Present: Mayor Carlton Boyles; Council members, Chester Ayers, Debbie Frazier, Linda Gantt, Tommy Johnson, Barry Lambeth, Ed Lohr and Kristen Varner.

Members Absent: Karen Bridges

Others Present: City Manager, Debbie Hinson; Public Works and Utilities Director, Rich Baker; City Attorney, Mr. Bob Wilhoit; Assistant Finance Officer, Lisa Beam; Assistant City Clerk, Annette deRuyter; members of the Media, and other interested parties.

Call to Order (Mayor Carlton Boyles)

Mayor Boyles called the meeting to order at 7:09 p.m. He shared with Council and members of the audience information about a local soldier who was shot twelve (12) times while serving in Afghanistan. He was discharged February 5, 2013 after a seven month stay at the Veterans Affairs Trauma Unit.

There is a homecoming event that will be held Saturday, March 23, 2013 at 1:30 p.m. and invited everyone to attend this event. He stated, "the men and women who have sacrificed their life for our country are all heroes", and asked all present to remember the sacrificed that soldiers have made for their country while saying the Pledge of Allegiance.

- **Pledge of Allegiance**

Mayor Boyles led the Pledge of Allegiance.

- **Invocation**

Council member Lambeth led the invocation.

- **Welcome guests and Visitors**

Mayor Boyles welcomed those present to the meeting and said he was pleased with the large number of residents in attendance at the meeting.

A. Review, Amend, and Approve Agenda

Mayor Boyles opened the March 19, 2013 Meeting Agenda to Council for review, amendments, and approval of the March 19, 2013 Regular Meeting Agenda.

Manager Hinson asked Council to allow the Agenda to be amended to include the Action Item Report from March 12, 2013 Pre-Agenda as Item B.

Motion by Council member Frazier to amend the Agenda to add Action Item Report from March 12, 2013, seconded by Council member Lambeth and approved unanimously by all Council members present with Council member Bridges absent.

Item B Action Item Report

Manager Hinson gave the following report that listed items from the March 12, 2013 Pre-Agenda Meeting and any action that was taken by Council in regards to the items included in the Action Item Report.

Item # 8 Adopt the Resolution for Trinity Old Town and Phase 4 sewer projects. The total dollar issuance of these bonds will be 4 million 953 thousand (4,953,000.00) dollars with an interest rate of 3.125 percent and a term of 40 years. This is money the City had previously owed in Bond Anticipation Notes that will now revert to a loan and is part of the original 15 million dollar bond referendum. The City will make a payment in June in the amount of 37,000.00.

Item # 9 Approve the Resolution from DOT (Department of Transportation) to add Osborne Street to the street system of Trinity. This street was added to our system when the sewer was installed in that area. Taking over this street was a cost savings for the City of Trinity due to the potential costs of easements that were required and property damage on this street. After all sewer infrastructure on this street has been installed and the original damage patched with bond funds, the City can use Powell Bill funds to repave the street if needed.

Public Comments

Citizens are invited to address the City Council on issues that are not listed on the agenda. Residents may speak on agenda items at the time the issue is discussed by the Council. Speakers should not discuss issues that concern the candidacy of any person seeking public office. Please sign up to speak prior to the meeting; when the Mayor calls your name, please step to the lectern and state your name and address for the record; remarks are limited to 3 minutes/speaker; speakers are encouraged to select a spokesperson if several people plan to make similar points. *(Policy adopted 2/17/04; amended 10/14/08; amended 01/15/13)*

At this time Mayor Boyles opened the Public Comment period.

Pam Goins, 3809 Fox Meadow Road, Trinity; Mrs. Goins expressed her concern about the rezoning in Lakewood Forest. She spoke against this request because she felt that the lots are not large enough for three (3) homes to be built on them. She discussed the restrictions that are still in force for the neighborhood. These restrictions state the buildable lot size for a home. It was her opinion the houses proposed to be built would be rental homes.

Wayne Taylor, 4691 Kennedy Road, Thomasville; Mr. Taylor advised Council he was the owner of the property in question at Lakewood Forest. He informed Council the road frontage for this property was 282 feet and was large enough to accommodate three homes. He asked Council for favorable approval for his rezoning request for this property.

Debra Smith, 7340 NC Hwy 62, and Trinity; Mrs. Smith extended an invitation to the Council and the community to join in a "Welcome Home Celebration" to be held on Saturday, March 23, 2013 for SPC Jeremy Young.

Jeremy was shot twelve (12) times while serving in Afghanistan. He is a local hero and Purple Heart recipient.

Ms. Smith encouraged all residents to show their support for Jeremy and all servicemen for all the sacrifices they make for our freedom.

The following speakers advised Mayor Boyles they would like to save their comments for the Public Hearing.

Curtis Austin, 2987 Thayer Road, Thomasville
Harold Walker, 3838 Greenway Drive, Trinity
Barry Allison, 4028 Lakewood Circle, Trinity
Trent Wilmouth, 3974 Woodcrest Street, Trinity
Tommy Wilmouth, 6275 Cedar Square Road, Archdale
Martha Britt 4922 Woodcrest Street, Trinity Lakewood Drive, Trinity
Randy Johnson; 4446 Stoneridge Drive, Trinity
Brent and Erin Albritton; 4018 Lakewood Drive, Trinity
Jennifer Langston; 3958 Woodcrest Street, Trinity

Shirley Hamer, 4969 Cedardale Trinity; Mrs. Hamer thanked the Mayor and Council for allowing her to speak. She wanted to share with everyone her feelings about the City and what a

nice place it was to live. She felt Trinity has great schools, a great Council, and a great Mayor. She expressed her happiness to be able to live in the rural area that Trinity offers for their 6000+ residents. She discussed the near proximity of Trinity to shopping and a park which she visited several times per week.

In closing, Mrs. Hamer stated she would like to see the Long Leaf Pine Award from the State of North Carolina presented to Mayor Boyles for his many years of volunteer service.

Bill Millis, developer for Colonial Village; Mr. Millis addressed Council and advised them that he is the developer for this 100 acre project known as Colonial Village. The development is located between Unity Street and County Line Road. Approximately ½ of the development is located in the City of Trinity, and the other half is located in the City of Thomasville.

We are in our last phase which consists of 26 lots and approximately 87 homes and would like to have the City of Trinity accept these lots so they can be recorded.

He advised Council the paving was completed, and it was his understanding that there was a punch list that needed to be completed. It was his opinion that these items would be completed by the end of the week if the weather permitted. He discussed the process needed in order to sell these lots and advised Council that until this plat was recorded no lots could be sold. He asked for input from Mr. Baker or others concerning what needed to be complete for this project to move forward.

Mr. Baker stated that the street engineer, Rick Austin did go to this area and do a final inspection of the streets. Mr. Austin is here if anyone has questions concerning the streets. He stated that he did have a small punch list and was assured that it would be completed this week.

Mr. Baker advised Council that Mr. Millis had asked about the term length and amount of the surety bond that Council had discussed at an earlier meeting concerning this project in conjunction with acceptance of maintenance for the streets and infrastructure. He asked for guidance from Council in establishing a length or period of time the surety bond was needed for this project.

He continued the discussion advising Council that the City had taken over the streets in earlier phases of this development after Mr. Austin had inspected them. He said he understood Council's concern with construction traffic on these streets and at this point there will be some construction traffic on these roads. Mr. Millis is willing to provide the necessary letter of credit but needs to know how long it will be needed. He has also asked when Council may be willing to consider this request.

Rick Austin, Abbott's Creek Engineering stated the project was essentially complete and felt it would be more appropriate to approve the project contingent on the completion of the punch list items rather than trying to establish a surety bond to cover these items.

After Mr. Austin's comments, Manager Hinson asked Attorney Wilhoit if action on this item was allowed since it was not on the Agenda.

Attorney Wilhoit stated that Council would need to approve an amendment to the Agenda if it was their desire to add this item to this agenda. He discussed Council's action not to add this item to this Agenda at an earlier Pre-Agenda Meeting. At the Pre- Agenda Meeting when this item was discussed the paving for this project was not complete. It is my understanding that the paving has since been complete. It is at Council's discretion whether they would like to add this item to the Agenda and a vote is necessary to do so.

Mayor Boyles discussed how a previous item of this nature had been handled and stated that at an earlier meeting Council was asked for a consensus not a vote. He discussed the fact that members of Council will not know what items are included on the punch list.

Mr. Austin advised Mayor Boyles that staff had the punch list and Council would be accepting streets based on recommendation of the staff. Council may delay the project until the final details are completed or accept the project based on the contingency of the completion of the punch list.

There was a brief discussion among Council members concerning when the City would assume maintenance of these streets and if by accepting the plat would they also be accepting the streets.

Mr. Baker stated that Council would be accepting the streets when the plat was accepted.

Manager Hinson asked if Council was willing to amend the agenda to add this item.

Motion by Council member Gantt, to add this item to the April 09, 2013 Pre-Agenda Meeting, seconded by Council member Frazier and approved with a vote of 4 ayes to 3 nays with Council members Johnson, Lambeth, and Varner voting Nay, and Council member Bridges absent.

Council member Ayers asked about the liabilities or damages to the roads should any occur and who would be responsible for completing those repairs. Mr. Baker informed Council members that the roads would have a one year warranty after the City accepts them.

Ken Carico 4123 Forest Manor, Trinity; Mr. Carico addressed Council members expressing his displeasure in some member's actions; he thanked some members for their service, and said he was praying for no more wars.

I. Standing Report

1. Infrastructure Projects Update ((Rich Baker, Utilities & Public Works, Director/Randy McNeill, Davis-Martin-Powell & Assoc.)

A. Phase 4B Contracts 1 & 2 (Braxton Craven)

Mr. Baker gave a brief update on Phase 4B Contract 1. He stated that even though this area is rocky Dellinger is making good progress and should finish on time. They have eight (8) rain days granted at the end of their contract to finish this project.

Mr. Baker updated Council I on the Braxton Craven Project advising them that Jimmy Peele, Right of Way Agent for the city, is working on securing the easements for this Phase. Things are moving well, however some of easements are complicated with some legal issues and Attorney Wilhoit is currently working on them to resolve the issues.

B. Phase 5 Sewer Extensions

Randy McNeill, City Engineer, stated that three (3) of the four (4) permits needed for this project have been received. He reviewed the Preliminary Engineering Report and the items required by the funding agency.

Page 30 is the construction budget, page 31 project budget, and page 39 is the summary of the bond money for this project.

We will ask Council to consider action on this document at the April 9, 2013 Pre-Agenda meeting. This document has been submitted to Rural Development.

Mayor Boyles discussed the target date of September 14, 2013 for completion of the Phase 5 project.

II. Reports

2. Annual Audit Report for year ending June 30, 2012 (Harold Gibson and Monty Pendry, Gibson and Company)

Mr. Gibson discussed with Council and members of the audience that this was the seventh consecutive year his firm had performed the City of Trinity's Audit. He thanked Council for their confidence in his firm and staff for their assistance during the audit. At this time, Mr. Gibson introduced Mr. Pendry who gave a brief overview of the audit.

Mr. Pendry advised those present this Audit period ended on June 30, 2012. He began by discussing the Independent Auditor's Report stating the City of Trinity received an "Unqualified or Clean Opinion" as shown on page 1, paragraph 3. He stated this was the best opinion that can be given.

His reviewed the following pages:

Page 13: total assets as of June 30, 2012 were 9.7 million which consists of 7.3 million in cash and 1.3 million in restricted cash. Total capital assets which consists of land, building and

equipment equaling \$24,679,739 with total Capital Assets of \$34,473,865. Total ending net assets equals \$24,745,737. 00.

Page 14: Statement of Activities and the net income of the City ending June 30, 2012 is \$2,186,352.00

Page 18: Budget verses Actual for the General Fund totaled \$273,630.00 savings.

Page 20: Income Statement for the Sewer Fund totaled net income of \$2,019,126.00.

III. Public Hearings

3. Public Hearing to consider entering into an Economic Development Incentives Contract with Novamelt Americas, LLC (“Company”) in the amount of \$5,000.00 to be paid over a three (3) year period in return for four million (\$4,000,000.00) Investments in real and personal property and the creation of a minimum of 11 new jobs. (Bonnie Renfro, President RC Economic Development)

Mrs. Renfro discussed information about an exciting Economic Development project that is Considering expansion and new job creation in Trinity and Randolph County. The name of the Company is Novamelt Americas, LLC. They are located at 5608 Uwharrie Road, Trinity. They are a private Company with global operations in Germany and China who located in Trinity in 2006. The Trinity operation is their first US operation.

Their core products are adhesives, specifically rubber based hot melt adhesives. Nova Melts major market uses are labels, tapes, medical and hygiene products, as well as industrial applications.

Novamelt’s first US operation was a joint venture with Jowat, another Trinity company. Despite challenging economic conditions during the recession, the company has steadily grown since 2006. Novamelt Americas is a stand alone company, operated by their parent company in Germany and no longer affiliated with Jowat. They currently have 14 employees with an average wage of forty two thousand (\$42,000.00) per year. They also employee 2 contract workers to perform maintenance and janitorial services for the facility. This project if approved, would lead to 11 new technical and professional positions added at the Trinity location. The average annual wage of the new jobs would be approximately forty five thousand, four hundred three (\$45,403.00) dollars excluding benefits. This is an average seventy eight (78%) percent increase in their current employment, almost doubling their existing workforce.

This project would result in almost \$500,000 in new annual income when all job creations are complete. The company would purchase the manufacturing facility they currently occupy in Trinity and would invest four million (\$4,000,000.00) dollars in both real and personal property over the next five (5) years. This could create approximately twelve thousand eight hundred (\$12,800.00) dollars tax revenue over the next 6 years.

Mrs. Renfro asked that the City of Trinity consider providing Novamelt a total of five thousand (\$5,000.00) dollars to assist the company with costs associated with the expansion project, contingent upon approval by Randolph County Commissioners of an equal matching grant. The funding would be paid in no less than 3 annual installments contingent on the company meeting the job creation and investment performance requirements. The company must meet and complete their performance requirements within three years of the final payment or it must repay the entire incentive to the City. Novamelt would agree to remain in full operation in Trinity for two years following the date of completion of all the performance requirements. If the company does not remain in full operation, a portion of the incentive money would be returned to the City.

Mayor Boyles read the Resolution Authorizing the City of Trinity to enter into an Economic Development Incentives Contract with Novamelt Americas, LLC.

Motion by Council member Frazier, to approve entering into an Economic Development Contract with Novamelt contingent with Randolph County in the amount of \$5,000.00 to be paid over three (3) years, seconded by Council member Lambeth and approved unanimously by all Council members present with Council member Bridges absent.

4. Public Hearing to consider rezoning request Z 02-2013 lots 58-59 at Lakewood Forest further identified as Randolph County Parcel # 6796690328 consisting of 0.95 acres owned by Wayne Taylor Construction from R-40 to R-12. (Rich Baker, Utilities & PW Director and Acting Planner)

Mr. Baker said that he is not for or against this rezoning and it was his job to bring facts to Council whether the staff thought this request is feasible or acceptable.

Mr. Baker reviewed the application process that included dates notices were mailed to the residents, as well as the dates Council would meet to consider this item.

He presented a slide show of various pictures with the views of the property and its location taken from the road, as well as a review of the map showing the location of the lot.

Mr. Taylor wants to rezone this property from R-40 (Residential 40,000 sq foot lots or one (1) acre) to R-12 (Residential 12,000 sq foot lots).

This is one parcel that is sub-divided into two (2) lots. Two (2) homes can be built on the property without rezoning. This particular lot is .095 acre and could have three (3) R-12 lots. There are 18 of the 141 lots that are actually zoned R-40. A good percentage of these lots are zoned R- 20 or less. The R-12 zoning is consistent with the long range plan where sewer is available.

This is a state owned road and North Carolina Department of Transportation (DOT) must approve the driveways. Mr. Taylor must meet state requirements for placement of the driveways to these homes.

Staff recommends approval of this rezoning provided all setbacks are met. This request meets the recommendations of our ordinances.

At this time, Mayor Boyles opened the Public Hearing.

Speaking For:

Curtis Austin 2987 Thayer Road Trinity; Mr. Austin thanked Mayor and Council for the opportunity to speak and hopefully approve the rezoning. These homes will be 1355 square feet, and they will not be rental homes. When these three (3) homes are built, it will provide employment for four full time employees for Austin Builders.

Mr. Austin stressed that he would not do anything to hinder the neighbors in any way. These three homes would increase the tax base in Trinity by three thousand (3,000.000) (+ or -) dollars. They will be vinyl siding with railing across the front.

Speaking Against:

Harold Walker 3838 Greenway Dr. Trinity; Mr. Walker stated that he was not against progress and has lived in Lakewood Forest since 1979. It was his opinion if this rezoning request is approved it would be tragic to the characteristics of the neighborhood.

The building restrictions for the sub division read that one single family home per lot be built. He expressed his concerns about water run-off and possible contaminations the streams in the neighborhood. Mr. Walker expressed concerns about the location of the driveways for these homes and the safety issues that he felt would occur because of traffic that already exceeded a safe speed in this area.

Barry Alison 4028 Lakewood Circle Trinity; Mr. Allison stressed that the language included in the covenants were still in effect for the neighborhood. Safety issues concerning the location of the driveways and speeding that already exists in this area was another major concern for him. It was his opinion that the houses that are being proposed would not blend in with the neighborhood.

Trent Wilmouth, 3974 Woodcrest Street Trinity; Mr. Wilmouth discussed the fact that most of the lots in this area are owned by the same people and are not listed as single lots. He discussed his concerns about safety issues for the residents due to speeding. He stated that he had called DOT several times and had asked them to come and evaluate the area, and even suggested putting up speed bumps on the roads to slow the drivers down. To date, no one from DOT has ever followed up.

Mr. Wilmouth also discussed his concerns for the water runoff, and how the smaller home size would affect the neighborhood.

Tommy Wilmouth, 6275 Cedar Square Road, Archdale; Mr. Wilmouth discussed the property in Lakewood Forest. He stressed that most homes in the development would be valued at 200,000.00(+ or -) and these new homes would bring home value down especially those next to the vacant lot that the proposed homes are to be built on.

Martha Britt 3922 Woodcrest Street Trinity; This address is the lot just below the pond, near the lot that has requested this rezoning. She felt that rezoning this property to allow 3 homes would have a strong negative effect on the neighborhood. She was also concerned about run-off from this property getting into the pond which she owned. Ms. Britt questioned the road frontage of 282 feet and asked if that total footage include the 20 foot easements on the side of the property.

In closing, it was Ms. Britt's opinion that when Mr. Taylor purchased the property the covenants were in place with the restrictions that had been discussed and he should have known about them.

Brent and Erin Albritton, 4018 Lakewood Drive Trinity; Ms. Albertson spoke for both her and Brent and stated they are completely against the rezoning of the property. She feels that development of the homes would create dangerous conditions for children and the residents in the neighborhood. She was also concerned about the look of the neighborhood if this property is rezoned to allow three (3) houses.

Jennifer Langston 3958 Woodcrest Street Trinity; Ms. Langston shared her concerns about the danger these homes would bring to the neighborhood. It was her opinion that rezoning this property should not be allowed since the covenants are still in force until 2016. She felt the proposed rezoning if allowed, will hurt the resident's property values.

Frank Parker 6639 Lakewood Circle; The picture that Mr. Baker displayed did not show the danger of the road. There is a blind spot at the crest of the hill. He explained the danger issue and the water issues from the run-off and advised Council he was against this rezoning request.

The Public Hearing was closed.

Council members Lambeth and Frazier discussed the covenant requirements in this development that had been discussed by residents. It was their opinion if the covenants were current as the residents had stated, this rezoning request did not comply with the covenant restrictions.

Attorney Wilhoit advised Council if they wanted to check the validity of the covenants and seen this issue as a point they would like to address, Council would need to table this item after the Public Hearing until a future date to allow the attorney and staff to investigate this issue.

Council member Frazier discussed how this zoning was a carry over from Randolph County and the fact that the zoning has never been changed. She felt it would be inconsistent to rezone this property. She could not visualize how the developer could possibly get three (3) homes on this location given the proximity of the City sewer easement as well as the slope of the land.

Council member Varner asked if rezoning this property could be considered spot zoning. Attorney Wilhoit stated this is a residential area and that density would be the main issue to determine spot zoning. The change requested to the density level in this area would not be considered spot zoning.

Council member Gantt expressed her opinion and feelings concerning the slope of the land and felt the runoff from this property would not be good for the pond. She felt this would increase the pond pollution and felt the we need to save the ponds that we have.

Council member Frazier asked Mr. Baker where is the stream that runs on this property located. Mr. Baker responded that the stream runs along the edge of the property and is located in our sewer easement.

Council member Johnson agreed with Council member Lambeth in regards to the covenants. If the covenants are in place our hands are tied concerning how we can proceed with this request.

Council member Ayers discussed with those present the action that the Planning and Zoning board had taken when considering this request. They denied the request.

Council member Gantt felt because sewer was available in some of our older neighborhoods did not warrant building of new homes in that established neighborhood.

Council Member Lambeth agreed with Council member Gantt that if the covenants read one house per lot, the zoning could not be changed.

Council member Lohr shared that the Planning and Zoning Board had denied this request and he felt comfortable with their decision.

Council member Varner discussed the differences that would exist if an entire neighborhood were being developed.

Motion by Council member Gantt, to deny the re-zoning request, seconded by Council member Ayers and approved unanimously by all Council members present with a 7-0 vote, and Council member Bridges absent.

5. Public Hearing to consider rezoning request Z-2013-1 for property located at 5948 Mendenhall Road Extension further identified as Randolph County Parcel # 7708430077 consisting of 2.50 acres owned by Clifford Claude Cagle, Jr., from R-40 to HC (Highway Commercial).

(Rich Baker, Utilities & PW Director /Acting Planner

Mr. Baker informed Council this case was posted in January and actually added to the agenda in March. The property is approximately 2.50 acres and is currently zoned R-40. This property is located in the Surratt Gateway Overlay.

The owners have requested this property to be re-zoned to(HC) Highway Commercial. The current land use is residential and vacant lot. Notices have been mailed out to the property owners within 600 feet of the property. Zonings in this area is a mix of residential, M-2 which is industrial, and agricultural. Highway Commercial is consistent to the City's long range plan.

This property would be great for doctor's offices, shopping, a convenience store, etc. This property is not in a flood zone. Stormwater would not be an issue if they stay within the range allowed for impervious surface areas, and sewer is available to this property.

No Protest Petition was received against this request. The Planning and Zoning Board did deny this request with a vote of 6-1. All adjoining property owners have been notified, and to Mr. Bakers knowledge there have been no complaints concerning this request.

Randy Johnson 4446 Stoneridge Dr. Trinity; Mr. Johnson discussed this property located at 5948 Mendenhall. He spoke about Mr. Cagle's life and how he served our country as a young man. He is now no longer to take care of himself and is currently in a nursing home. He needs the funds from the sale of this property to maintain his way of living. He has been using his savings to pay for living expenses at the nursing home.

He advised Council that he had spoken to real estate investors in regards to the rezoning of this property and they suggested that the property be rezoned to Highway Commercial to help increase the value of the property.

Council member Johnson discussed the surrounding buildings located around this site that included churches, a fire department, and various manufacturing companies. It was his opinion that this property would be hard to sell if it were to remain residential.

Council member Frazier shared Council member Johnson's point, however, there are several residential properties in this area and she did not think changing the zoning would help sell the property.

Council member Ayers did not agree with the opinions shared by Council member Johnson and Frazier. It was Council member Ayers feeling that if the price of the land increases, so will the taxes. If Mr. Cagle has financial problems now, it was his opinion rezoning this property will increase the financial strain for him.

Council member Ayers felt it would be harder to sell this property if it is rezoned to Highway Commercial. He felt that a request to rezone this property should be made if or when Mr. Cagle has a buyer for the property that required it to be rezoned Highway Commercial.

Council member Lohr discussed his acquaintance with Mr. Cagle and stated that he would like to help Mr. Cagle do what he felt would help him sell his property. Council member Lohr felt the city should do this rezoning.

It was Council member Frazier's feelings that most of this area is residential and it should not be re-zoned to Highway Commercial.

Motion by Council member Varner to approve the re-zoning, seconded by Council member Lambeth.

Council member Lohr asked if he could be removed from the vote since he knew this man.

Council member Varner said no, only if he has a financial interest could he be excused from the vote.

The request was approved with a 4 to 3 vote, with Council members Ayers, Frazier, and Gantt voting Nay. Council member Bridges was absent.

IV. Consent Agenda

- 6. Approve minutes of the February 12, 2013 City Council Pre-Agenda Meeting**
(Annette deRuyter, Assistant City Clerk)
- 7. Approve minutes of the February 19, 2013 City Council Regular Meeting**
(Annette deRuyter)

Motion by Council member Frazier, to approve the Consent Agenda with changes, seconded by Council member Gantt, and approved unanimously by all Council members present with Council member Bridges being absent.

V. Staff Reports

8. Code Enforcement Report *(Rich Baker, Utilities & PW Director/Acting Planner)*

Mr. Baker discussed the spreadsheet that he prepared for the council with code violations listed.

He reviewed the code violations advising Council there were three (3) septic permit reviews, and another six (6) people came in to talk about various things with an extreme interest in the old Leach and Wagner building. All of the types of businesses proposed were not allowed in the Old Town Overlay.

We did close out nine code enforcement issues, however we have received nine more. Mr. Baker advised Council that Rusty has been going out on Monday mornings in an effort to do sign patrol. If the signs are behind the poles there is not anything the City can do.

Council member Ayers stressed his concern about computer signs showing up on week-ends and the fact that he could not see any today. Would the ordinance allow these signs on week-ends and was curious if Rusty had picked them up.

Council member Ayers asked Mr. Baker about a violation on Evergreen and Gaddy Place. Mr. Baker advised Council that since a complaint has been received the City will go out and enforce the Ordinance.

VI. Business from City Manager and Staff

Manager Hinson discussed the items received from the League that she had placed at Council's seats. She stressed the negative outcome the proposed bill concerning changes for zoning issues would have on municipalities. She asked Council members to please call their legislators and complain about this proposed bill. Mayors from several municipalities, County representatives, and the League are protesting this change.

VII. Business from Mayor

This legislative bill that Manager Hinson referred to is very serious, if the cities want to continue to operate as they have in the past. The only authority the Council has now is from the statutes and if they create statutes that over rides our ordinances municipalities will be hurt. Mayor Boyles challenged each member of Council to send letters to their Senators and Representatives about these proposed bills.

VIII. Business from Council

Council member Lohr expressed his displeasure concerning events and comments that he felt had been directed to him personally at prior meetings.

Mayor Boyles discussed challenges that Council member's face we have is when someone takes us to task. It was his opinion that we needed to start being more like a family and be able to agree to disagree. This would be my wish to be able to work together.

Council member Varner reminded everyone about the Homecoming for SPC Jeremy Young to be held Saturday March 23, 2013.

Mayor Boyles stressed the importance of honoring this hero, and we need to thank him for the freedom we have today.

Council member Johnson read the following:

In response to Councilman Lohr's comments from the previous month's meeting I am reading the following into the record.

To his statement that the alcohol issue was a disgrace I first want to state my personal position on the issue. I am a non-consumer of alcohol. Never have been and never will be but my personal values, beliefs and ideology must be put aside and respond in a manner that I feel best meets the city's fiscal needs and the residents desire to attract well known restaurants and grocery stores. Alcohol and rooftops are two of their main criteria. By voting to allow a referendum and an early vote we spurred very animated debate and a large voter turnout which was good.

By voting for the referendum and the early voting I did not in any way impede or prevent the residents voting to achieve the outcome they desired. Unlike the park petition which allowed the residents to voice their desire but then Councilman Lohr and others voted against those desires.

To the comment that no old Council members offered Councilman Lohr congratulations I repudiate that statement by saying that I offered to shake his hand to congratulate him but was refused and responded to by the comment "drop dead". Councilman Lohr then moves to the porch and expounds on his comments which is overhead by residents. I consider this inappropriate for someone who represents the residents of Trinity.

I do not feel that an apology is necessary as my actions were consistent with performing my obligation to represent all citizens in Trinity. If Councilman Lohr selects not to serve on a committee appointment then that is his decision and he answers to the voters the same as everyone else.

Council is made up of eight members and I fail to see the reason he feels it is necessary to direct his pent up feelings in this direction since my vote is no more important than the other seven.

To address Councilman Lohr's comment concerning the contract that it cost the city money. That is not true. The contract was to protect the city from possible litigation if either party wished to terminate the contract as terms of separation were already defined. I cannot elaborate anymore beyond this point as both parties are bound by an existing gag order and anyone who violates the order is subject to litigation.

In reference to the large salary increases I would like to say that I was a member of the personnel committee for the first two years of my term and no exorbitant increases took place during that time.

I also wish to address a prior statement that Councilman Lohr has made concerning the Trucking Ordinance. I know he was opposed to the ordinance and feels badly about it but once again I want to point out that there were seven other members of council that made that decision as well. I also wish to state that it was Kristen Varner and I that pushed for the grandfather clause to allow one truck and one trailer where they existed currently, if they met the other conditions of the ordinance.

At this time I do wish to apologize to the residents present for addressing these comments in this forum but felt it was necessary to express my concerns.

I am willing to work with Councilman Lohr to address the responsibilities we were entrusted with if he is so inclined.

I Thank all of you for your patience and time and I will not address any future election type issues in this forum but only that business which is pertinent to Trinity as a whole.

IX. Adjournment

Motion by Council member Frazier to adjourn the March 19, 2013 Regular Meeting, seconded by Council member Varner, and approved unanimously by all Council members present with Council member Bridges absent.

These minutes were approved by the Trinity City Council on May 21, 2013 at their Regular Meeting upon motion by Council member Frazier to approve the minutes as listed on the Consent Agenda. The motion was seconded by Council member Lambeth and approved unanimously by all Council members present. There were no Council members absent at this meeting.

Carlton Boyles, Mayor

Date

Annette deRuyter, Assistant City Clerk

Date